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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 09-1193 MHP
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	<u>ORDER EXCLUDING TIME UNDER THE</u>
)	<u>SPEEDY TRIAL ACT FROM MAY 17,</u>
DANIEL A. PESCE,)	2010 TO JUNE 28, 2010
)	
)	
Defendant.)	

On May 17, 2010, the parties in this case appeared before the Honorable Marilyn H. Patel for a status appearance. At that time, the parties stipulated that time should be excluded from the Speedy Trial Act calculation from May 17, 2010 to June 28, 2010 for effective preparation of defense counsel. The parties also stipulated that time should be excluded for defense counsel to review the defendant's lengthy medical records and conduct a mental examination. See 18 U.S.C. § 3161(h)(A). The parties represented that granting the continuance was for the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

The parties also agreed that the ends of justice served by granting such a continuance

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1 outweighed the best interests of the public and the defendants in a speedy trial. See 18 U.S.C. §
2 3161(h)(7)(A).

3
4 IT IS SO STIPULATED:

5 JOSEPH P. RUSSONIELLO
6 United States Attorney

7 DATED: 5/17/10

8 /s/
ACADIA SENESE
Special Assistant United States Attorney

9 DATED: 5/17/10

10 /s/
ELIZABETH FALK
11 Attorney for Daniel A. Pesce

12 DATED: 5/17/10

13 /s/
DANIEL A. PESCE

14 IT IS HEREBY ORDERED that time is excluded under the Speedy Trial Act from May 17,
15 2010 to June 28, 2010, under 18 U.S.C. § 3161(h)(A), 18 U.S.C. § 3161(h)(7)(A), and 18 U.S.C.
16 § 3161(h)(7)(B)(iv).

17
18 IT IS SO ORDERED.

19
20 DATED: 5/14/2010

